

9 October 1986  
OCA 86-3423

MEMORANDUM FOR: General Counsel

FROM: Dave Gries

SUBJECT: OGC Action on Items in Legislative Program for  
100th Congress

As you know, on September 12, 1986, the Legislative Program for the 100th Congress, as approved by the Director, was forwarded to the Office of Management and Budget (OMB) (copy attached). This is the first step in preparing for the enactment of legislation which the Agency and the Intelligence Community may seek next year in the First Session of the 100th Congress.

The next step will be the preparation and circulation for comment of a draft intelligence authorization bill for Fiscal Year 1988 (and separate legislation as appropriate). We will circulate it first within the Agency and the Community. It will then be transmitted to OMB which will circulate it again within the Executive Branch. After final Administration approval, it will be forwarded to the Congress as the DCI's recommendation for action in the 100th Congress.

We hope to take this next step of Agency/Community circulation of the FY88 Intelligence Authorization Bill in a few weeks and to include in the initial draft several of the proposals from the Program. Some, however, have not as yet been reduced to the form necessary for inclusion in the draft, i.e., they are not in "bill" form. In advance of the circulation of this draft, I want to bring several of these to your attention since it appears from our records that they may require action by OGC. I hope that we can resolve them, at least informally, by early November so that they can be included in that initial draft, if appropriate. I have asked [ ] to work closely with you and your staff on these matters.

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### Specific Items

"Leaks" Legislation (100/1 - 2). As you know, the DCI is determined to press forward with "leaks" legislation in the next Congress. Because of the controversial nature of this topic, I would recommend that it be in the form of free-standing legislation rather than as part of the authorization process. The first step, however, should be to draft a legislative proposal for the DCI's review. I understand that OGC has begun work on a new proposal along these lines. We would appreciate it if you could have the appropriate attorney contact us regarding its status.

"Comprehensive Former Spouses" (#100/1 -6B). A draft of this legislation was almost included in last year's bill but was dropped due to the press of time. We need to learn whether OGC wishes to proceed with that version or some scaled-down version. Consideration should also be given to going forward with the proposal as free-standing legislation rather than as part of the Authorization bill.

Drug & Alcohol Abuse Authorities - CIA/NSA/DIA (#100/1 - 21). When last year's draft authorization bill was sent to Congress, the staffs of both intelligence communities expressed doubt about the need for and wisdom of this legislation. In addition, it appears that the version of the omnibus, anti-drug legislation which is finally passed by Congress may contain a provision to maintain the legal "status quo" with respect to the law governing the rights of federal employees who are drug or alcohol abusers. We also understand that the NSA General Counsel has indicated she does not believe the legislation is needed. In view of these concerns, we need to know whether or not OGC wishes to proceed with this proposal and, if so, whether last year's versions should be used or whether some modification should be made.

Employee Financial Records - (#100/1 - 3). We understand that OGC has prepared and sent to senior management a memorandum presenting options as to how to proceed in this area and asking for a management decision in the matter. We need to know the status of this effort. If it has been determined that legislation is needed, please have the appropriate attorney on your staff contact us.

I think it is particularly important to reach some decision on this matter since, as you know, we are under a requirement from the House Permanent Select Committee on Intelligence (HPSCI) to report by December 1, 1986 to HPSCI on the subject of employee financial vulnerability. The report presents us with the opportunity to make our own legislative proposals, if required, in conjunction with the report. If we miss such an opportunity, the Congress could step in, based on the report, and give us legislation which we might not want.

Continuity of DCI Function (100/1 - 29). We understand that this item is being discussed by individuals from OGC and the Executive Secretary, the component which originally put forward this idea. If it has been determined that legislation is needed, please have the appropriate attorney touch base with us.

Interlocutory Appeal (100/1 - 30). As you know, we have presented this proposal to Congress in the Administration version of the FY86 and FY87 Intelligence Authorization Bills. Both intelligence committees rejected the proposal as drafted. Accordingly, we agreed it would be redrafted with a view towards meeting Congressional objections by reducing its scope. We understand the redrafting may have begun already in OGC. We would appreciate being apprised of its status.

Thanks in advance for your help.



Dave Gries

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Attachment:  
as noted

OCA 86-3423

SUBJECT: OGC Action on Items in Legislative Program for  
100th Congress

OCA/LEG/ [ ] (8 Oct 86)

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Distribution:

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100th Congress

<b>TO</b> : <b>D/OCA</b>		CONTROL # OCA 86-3423	DATE OF REQUEST
<b>FROM</b> : DD/LEG			SUSPENSE DATE
<b>SUBJECT :</b> Stimulating OC Action on Legislative Items for the 100th Congress & FY '88 Intelligence Authorization Bill <div style="text-align: right;">STAT</div>			
<b>NOTES</b> <p>The attached memo from you to Dave Doherty is an effort to gently prod OGC to take action on several legislative items for the 100th Congress and the FY '88 Intelligence Authorization Bill.</p> <p>The items were in the Legislation Program for the 100th Congress. Now it is time to reduce them to specific legislative proposals. OGC has the action on several, and this memo attempts to get them moving.</p> <p>I have called Doherty to let him know it's coming. I'll also call [redacted] whom I believe will be Dave's principal action officers on these.</p> <div style="text-align: right;">STAT</div>			
<b>COORDINATED WITH (list names as well as offices)</b>			
NAME		OFFICE	DATE
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<b>ACTION REQUIRED BY</b> <b>D/OCA</b> <div style="text-align: center;">Sign memo</div>			